

Remarks

Claims 1 to 13 have been canceled without prejudice or disclaimer and with the understanding that Applicants may pursue the subject matter encompassed by the canceled claims in a continuation application. New claims 14 to 30 have been added. The new claims find support throughout the specification and in the claims as originally filed. Accordingly, no new matter has been added by the new claims.

More specifically, new claim 14 finds support, *inter alia*, in originally filed claim 1 and at paragraph [0064] of the published application.

New claims 15 to 19 find support, *inter alia*, in originally filed claim 5 and at paragraphs [0064] and [0081] of the published application.

New claims 20 and 21 find support, *inter alia*, at paragraphs [0072] and [0073] of the published application.

New claim 22 finds support, *inter alia*, in originally filed claim 2 and paragraphs [0006] through [0010] of the published application.

New claims 23 and 24 find support, *inter alia*, in originally filed claim 4 and paragraphs [0029] and [0032].

New claim 25 finds support, *inter alia*, in originally filed claim 5.

New claim 26 finds support, *inter alia*, in originally filed claim 6.

New claim 27 finds support, *inter alia*, in originally filed claim 9.

New claim 28 finds support, *inter alia*, in originally filed claim 10.

New claim 29 finds support, *inter alia*, in originally filed claim 7.

New claim 30 finds support, *inter alia*, in originally filed claim 13.

1. Information Disclosure Statement

The Examiner notes that no information disclosure is of record in the subject application. Applicants bring to the Examiner's attention that an IDS is being concurrently filed with this amendment and response.

2. Objection under 37 C.F.R. 1.75(c)

The Examiner asserts that claims 3 to 11 are in improper form because a multiple dependent claim cannot depend on another multiply dependent claim.

Without addressing the merits of the Examiner's objection, Applicants have cancelled claims 3 to 11 without prejudice or disclaimer, thereby effectively mooting the objection. New claims 14 to 30 do not contain multiple dependent claims that are improperly dependent on another multiply dependent claim. Accordingly, Applicants believe that the new claims are not subject to this objection.

3. **Rejection under 35 U.S.C. 112, second paragraph**

Claims 1 to 13 are rejected as being indefinite.

Claim 1

With regard to claim 1, the Examiner asserts that it is unclear how the formulation can contain only iota-carrageenan and a neutral gelling polymer if the pharmaceutical compound recited in the claim must also be present in the compound.

Without addressing the merits of the Examiner's rejection, Applicants have cancelled claim 1 without prejudice or disclaimer, thereby effectively mooting the rejection. New claims 14 to 30 do not contain the language which the Examiner cites as allegedly indefinite.

Claim 13

With regard to claim 13, the Examiner asserts that it is unclear how the purpose of the recited method can be achieved in a patient who does not have a cardiovascular disorder but is "merely at risk of said disorder."

Without addressing the merits of the Examiner's rejection, Applicants have cancelled claim 13 without prejudice or disclaimer, thereby effectively mooting the rejection. New method claim 30 does not contain the language which the Examiner cites as allegedly indefinite.

Claim 10

With regard to claim 10, the Examiner asserts that it is unclear how a composition that contains only iota carrageenan and a neutral gelling polymer when the compound is a salt (as recited in claim 1 from which claim 10 indirectly depends) "may also contain SDS, which is neither iota-carrageenan nor a neutral gelling polymer, but an ionic surfactant."

Without addressing the merits of the Examiner's rejection, Applicants have cancelled claim 10 without prejudice or disclaimer, thereby effectively mooting the rejection. New claims 14 to 30 do not contain the language which the Examiner cites as allegedly indefinite.

Claims 11 and 12

With regard to claims 11 and 12, the Examiner asserts that they provide for the use of a composition but do not set forth any steps.

Applicants have cancelled claims 11 and 12 without prejudice or disclaimer, thereby effectively mooting the rejection. New claims 14 to 30 are not in the "use" format rejected by the Examiner.

4. Rejection under 35 U.S.C. § 101

Claims 11 and 12 are rejected as not being in proper form for a process claim because the Examiner asserts that they do not set forth any steps.

Applicants have cancelled claims 11 and 12 without prejudice or disclaimer, thereby effectively mooting the rejection. New claims 14 to 30 are not in the "use" format rejected by the Examiner.

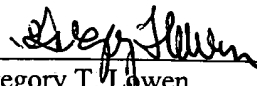
5. Conclusion

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner's rejections. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested. The Examiner is invited to contact the undersigned with any questions or concerns that may prevent this requested allowance.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 6, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882
Direct: 202-739-5915